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OFFICE OF PETITIONS

In re Application of	:	
Langley, et al.	:	
Application No. 10/018,324	:	ON PETITION
Filed: March 29, 2002	:	
Attorney Docket No. H0681.0006	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 16, 2004, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the final Office action mailed October 31, 2003. This Office action set a shortened statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 1, 2004. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, filed a reply in the form of an amendment, and made the proper statement of unintentional delay.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$950.00 extension of time fee submitted with the petition on June 16, 2004 was subsequent to the maximum period obtainable for reply (April 30, 2004), this fee has been refunded to petitioner's Deposit Account 50-2215. In addition, the \$330 fee for the Notice of Appeal has also been refunded to Deposit Account No. 50-2215.

The person signing the instant petition (Robert G. Gingher) requests a change of correspondence address to the address given in the instant petition. There is, however, no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application file is being forwarded to Group Art Unit 2821 for consideration of the amendment filed June 16, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

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